

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Dudley *et al.* Customer No. : 11030
Serial No. : 10/829,618 Confirmation No. : 7286
Filed : 4/20/2004 Group Art Unit : 1627
Examiner : Jean-Louis, Samira JM
For : ANDROGEN PHARMACEUTICAL COMPOSITION AND METHOD
FOR TREATING DEPRESSION

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

FILED VIA EFS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In accordance with 37 C.F.R. 1.2 and M.P.E.P. Section 713.04, Applicants respectfully submit this Supplement Statement of the Substance of the Interview in reply to the Interview Summary mailed on November 23, 2010, for the patent application referenced above.

Applicants acknowledge with appreciation the courtesy extended by Examiner Jean-Louis and Supervisory Patent Examiner Padmanabahn during the telephone interview with the undersigned on November 17, 2010. Applicants have received and reviewed the Interview Summary mailed by the Examiner, and provide the following statements to supplement and clarify the summary provided by the Examiners.

As evident from the Interview Summary, no claims or specific prior art were discussed and no exhibits or arguments were presented during the interview. Rather, the primary purpose of the telephone interview was for the undersigned to provide introductions and background pertaining to this patent application. Particularly, the undersigned noted during the telephone interview that certain rights, title and interest in and to this patent application, as well as several related patents and patent applications, were acquired earlier.

this year by Abbott Laboratories. As a result of this acquisition, Applicants recently transferred responsibility for prosecution of this patent application, among others, to the undersigned.

The undersigned indicated during the telephone interview that these recently-transferred patent applications and related files are in the process of being reviewed in support of further prosecution. However, the undersigned noted that this pending application had received a Notice of Allowance on August 11, 2010, and therefore an issue fee or alternative action was due by November 12, 2010 (wherein, November 11, 2010, was a federal holiday). A Request for Continued Examination was therefore filed for this patent application to allow an opportunity to ensure any relevant art and information from various related patent applications had been considered by the Examiners of this patent application. A Preliminary Amendment was also filed in conjunction with the Request for Continued Examination to direct further prosecution of this patent application to the subject matter of claims 43-59, whereas the subject matter of claims 1-42 will be pursued by separate prosecution.

In support of this effort, Applicants prepared and filed corresponding Information Disclosure Statements for this patent application. A first Information Disclosure Statement includes a list of related U.S. patent applications identified to date and substantive communications made during the prosecution of these patent applications. This first Information Disclosure Statement also submits all references that were cited in a Petition for Accelerated Examination or relied upon by the United States Patent and Trademark Office ("USPTO") during prosecution of the listed patent applications, as well as search reports issued and oppositions filed in related or co-pending foreign applications. Additional information cited or identified to date in the files of the listed patent applications was submitted by a separate Information Disclosure Statement.

Regarding the statement in the Interview Summary that "the previous attorneys failed to file all of the relevant documents and thus such documents needed to be presented before Allowance of the instant claims," the undersigned hereby clarifies; to the extent the statement may be misinterpreted, that there was no discussion or suggestion during the telephone interview about any deficiency of the previous attorneys' disclosure practice or the prior prosecution of this or any other related patent applications. Rather, and as noted during the telephone interview by the undersigned, the recent Information Disclosure Statements

were filed in an abundance of caution based on recent case law developments. See, for example, *Larson Mfg. Co. v. Aluminart Prods. Ltd.*, No. 2008-1096, 2008 U.S. App. LEXIS 5572 (Fed. Cir. Mar. 18, 2009), and *McKesson Info. Solutions, Inc. v. Bridge Medical Inc.*, 487 F.3d 897 (Fed. Cir. 2007). Furthermore, the undersigned noted during the telephone interview that Applicants are in the process of reviewing and compiling additional background information regarding this patent application. The undersigned suggested a personal interview with the Examiners of this patent application to determine how best to submit this additional background information for consideration.

The Examiners and the undersigned also reviewed the list of co-pending U.S. patent applications that was included in the Information Disclosure Statements. In view of this list, Supervisory Patent Examiner Padmanabahn suggested that a joint interview be scheduled with all the Examiners who are assigned to these co-pending U.S. patent applications. In support of this joint interview, it was agreed that Applicants would provide a supplemental list of co-pending U.S. patent applications with the identity of the responsible Examiner and art unit for each patent application. The undersigned notes that this supplemental list was submitted to the USPTO by facsimile on November 23, 2010.

As noted above and in the Interview Summary, Applicants have requested a personal interview to discuss the background and available information related to this and the other co-pending U.S. patent applications. Although the suggestion of a single joint interview with all of Examiners involved was actually made by Supervisory Patent Examiner Padmanabahn, Applicants are indeed amenable and willing to accommodate any reasonable arrangement that is most convenient for the USPTO -- including one or more joint interviews with the various Examiners of the co-pending U.S. patent applications, or individual interviews arranged by art unit or patent application. The undersigned will contact Supervisory Patent Examiner Padmanabahn to determine available dates and times, and how best to proceed.

Applicants appreciate in advance the assistance of the Examiners, and look forward to the upcoming interview and further prosecution of this and the related U.S. patent applications.

Respectfully submitted,

Date: December 20, 2010



Daniel Hulseberg
Patent Office Reg. No. 36,554

Baker Botts L.L.P.
CUSTOMER NO. 11030

30 Rockefeller Plaza
44th Floor
New York, NY 10012-4498
Attorney for Applicant(s)
212-408-2500